

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	No. 5:17-cr-00130-JS
	:	
FRANCIS DOUGHERTY	:	

ORDER

AND NOW, this ____ day of March, 2019, upon consideration of defendant Francis Dougherty's Consent Motion To Amend Judgment, it is hereby ORDERED that the Motion is GRANTED.

The Judgment will be amended to note that Mr. Dougherty's restitution obligation is joint and several with the defendants in *United States v. Regan*, No. 17-cr-255, and *United States v. Pawlowski*, No. 17-cr-390; and to reflect the payment already made in No. 17-cr-255.

BY THE COURT:

HONORABLE JUAN R. SÁNCHEZ
Chief Judge, United States District Court

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UNITED STATES OF AMERICA	:	
	:	
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	:	No. 5:17-cr-00130-JS
	:	
FRANCIS DOUGHERTY	:	

CONSENT MOTION TO AMEND JUDGMENT

Defendant Francis Dougherty respectfully moves this Court pursuant to Fed. R. Crim. P. 36, with the consent of the government, to amend the Judgment in this matter to reflect that his restitution obligation is joint and several with the defendants in *United States v. Patrick Regan*, No. 17-cr-255, and *United States v. Edwin Pawlowski*, No. 17-cr-390, and to reflect a payment already made in No. 17-cr-255. In support hereof he states as follows:

1. Mr. Dougherty was charged by Information on March 13, 2017 with conspiracy to commit mail/wire fraud in violation of 18 U.S.C. §371. The Court accepted Mr. Dougherty's guilty plea on March 22, 2017.

2. The Court sentenced Mr. Dougherty on February 8, 2019 to three years' probation. It also required him to make restitution to Johnson Controls, the victim of the offense of conviction, in the amount of \$18,749.00. The Court entered Judgment on February 22, 2019.¹

¹ Counsel apologizes for the delay in filing this Motion. Her office did not receive an electronic notice of the docketing of the Judgment, and the paper copy did not arrive until February 28, 2018.

3. As the Court knows, Johnson Controls is entitled to restitution for certain expenses it incurred when bidding on a contract that Mr. Dougherty had helped to steer to the company owned by Patrick Regan, the defendant in No. 17-cr-255, at the instruction of Edwin Pawlowski, the defendant in No. 17-cr-390. Each defendant contributed to the loss to Johnson Controls. *See* 18 U.S.C. § 3664(h).

4. The Court previously ordered Patrick Regan to make restitution of \$5000 to Johnson Controls.² Regan paid that amount prior to sentencing. *See* Judgment (Doc. 20), No. 17-cr-255, at 5.

5. The Court also ordered Edwin Pawlowski to make restitution of \$18,749 to Johnson Controls. *See* Judgment (Doc. 248), No. 17-cr-390, at 8.

6. Johnson Controls is not entitled to receive more than \$18,749. Specifying that the defendants' liability is joint and several will avoid that result, and amending the Judgment to reflect that will assist the Clerk's Office in tracking the progress of restitution to Johnson Controls. *See* 18 U.S.C. § 3664(h).

7. Thus, Mr. Dougherty respectfully requests that the Court issue an Amended Judgment that notes that (1) his restitution obligation is joint and several with the defendants in *United States v. Regan*, No. 17-cr-255, and *United States v. Pawlowski*, No. 17-cr-390; and that (2) a \$5000 payment has already been made in No. 17-cr-255, as noted in the Judgment in that matter.

8. AUSA Anthony Wzorek has stated that the government consents to the relief requested.

² The record does not reflect why the government supplied information supporting a lower restitution obligation for Regan, who stood to benefit financially from the wrongdoing.

WHEREFORE, Mr. Dougherty respectfully requests that the Court enter an order in the form attached, and issue an Amended Judgment in accordance with it.

Respectfully submitted,

/s/ Lisa A Mathewson

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Attorney for Defendant Francis Dougherty

Dated: March 5, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing Motion was served upon the following:

Via ECF:

AUSA Anthony Wzorek
AUSA Michelle Morgan
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Dated: March 5, 2019